

STATE OF FLORIDA

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**Public Service Commission**

April 12, 2000

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**VIA AIRBORNE EXPRESS**

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW - TW-A325  
Washington, DC 20554

**DOCKET FILE COPY ORIGINAL**

Re: CC Docket No. 98-67, Telecommunications Relay Services and Speech-to-Speech  
Services for Individuals with Hearing and Speech Disabilities

Dear Ms. Salas:

Enclosed are the original and five (5) copies of the Florida Public Service Commission  
Petition for Reconsideration and Clarification of FCC Report and Order No. FCC 00-56 in the  
above-noted docket. Please date stamp and return one copy in the enclosed self-addressed  
envelope.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cynthia B. Miller".

Cynthia B. Miller, Esquire  
Bureau of Intergovernmental Liaison

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cc: Common Carrier Bureau  
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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of:	)	
	)	
Telecommunications Relay Services	)	
and Speech-to-Speech Services	)	CC Docket No. 98-67
for Individuals with Hearing and	)	
Speech Disabilities	)	
<hr/>	)	

**FLORIDA PUBLIC SERVICE COMMISSION  
PETITION FOR RECONSIDERATION AND CLARIFICATION  
OF FCC REPORT AND ORDER NO. FCC 00-56**

The Florida Public Service Commission (FPSC) requests that the Federal Communications Commission (FCC) reconsider the effective date of its Report and Order issued March 6, 2000, and also clarify portions of the order, pursuant to Rule 1.429 of the FCC's rules.

1. **Effective Date** - Florida, as well as most other states, selects its relay service provider through a competitive bid process. Florida issues a multi-year request for proposals (RFP) that is developed with input from the industry and the FPSC's TASA Advisory Committee, as well as with consideration of the FCC's rules on relay service. After bidders submit their proposals, an evaluation team scores the bids and the FPSC selects a provider based on both the technical aspects of the proposals and the price bid on the proposal.

Petition of the Florida Public Service Commission  
CC Docket No. 98-67

A substantial amount of time is required to develop and issue the RFP, for bidders to develop and submit their proposals, scoring to be conducted by an evaluation team, a winning bidder to be selected, and then for that new provider to build and implement a relay service system. In fact, Florida began developing its most recent RFP in the summer of 1999, issued its most recent RFP in October of 1999, with proposals filed in November and a contractor selected in January, 2000. Service is to begin on that three-year contract beginning June, 2000.

The Notice of Proposed Rulemaking (NPRM) in the FCC's CC Docket 98-67 was released on May 20, 1998, with the FCC's resulting order adopting the rules released on March 6, 2000, nearly two years later. After the comments were filed in the docket, there was no indication from the FCC as to what or when rules might ultimately be adopted. Thus, there was no way for states to anticipate what changes would ultimately be made in the FCC rules, if indeed any changes were to be made.

Certainly, the final rules do not mirror the proposed rules. For example, in the speed of answer requirement, the NPRM did not propose to include abandoned calls in the calculation but the final rules do. The final rules contain a P.01 busy hour standard for blockage but the NPRM did not include a busy hour measure for blockage. The NPRM did not propose any minimum CA

typing speed yet the final rules require a 60 wpm standard. The proposed rules did not require pay-per-call services yet the final order requires that they be offered.

Until the order was adopted, States could not know what changes in the rules might be adopted and could not include in their competitive bid process standards that could comply with unknown rule changes; States developed their RFPs and systems based on the FCC rules in effect at the time. Attachment A is a table reflecting the differences between Florida's contract and Order FCC 00-56.

In the FPSC's comments in response to the May 20, 1998, NPRM, the FPSC recognized the potential of this problem in its comments on speech-to-speech service. The NPRM proposed that speech-to-speech service be required in two years. The FPSC's comments proposed that such changes as speech-to-speech be timed to coincide with renewal of state contracts. The new rules should only apply to prospective contracts. **To do otherwise has the effect of the FCC's rules voiding state contracts.**

The FPSC reiterates its request that the newly adopted FCC rules on changed service requirements (e.g., answer time, blockage, CA typing speed, etc.) and new requirements (e.g., pay per call, speech-to-speech, pay-per-call) become effective in conjunction with the renewal of each state's existing contracts.

The FCC should provide expressly in its rules for an automatic temporary waiver (variance) for states certifying that their current relay contracts do not expire until a later specified date. In other words, the conflicting rules would not apply until the termination of the state contract. This would keep the FCC from abrogating existing state contracts.

Those state contracts have been entered into on a competitively bid basis in order to obtain quality service at reasonable costs. If the FCC's rules effectively void those state contracts, state systems are left in the untenable position of either being in violation of the FCC's rules, having to rebid their contracts immediately (with existing providers possibly being unable to recover their capital costs if they do not win the succeeding contract), or having to develop increased payment rates (without a competitive bid) which may result in ratepayers paying unreasonably high costs to add features and increase standards during an existing contract period. Therefore, in order to avoid having the FCC's new rules void existing state contracts, the FPSC requests that the FCC implement its new rules effective with new contracts entered into by the states in instances where the state has an existing contract.

If the FCC is unwilling to provide for an automatic temporary waiver, an alternative that the FPSC requests that the

FCC implement is for the interstate fund to cover the increased costs associated with the new standards until a state's contract is rebid. This is not unlike what the FCC plans to do with video relay interpreting (VRI) by funding intrastate minutes on a temporary basis.

**2. Clarifications** - In a few instances, the FPSC is not certain how to interpret the order and new rules and would appreciate the FCC clarifying its order by placing clarification language in the rule itself. Those items on which the FPSC seeks clarification are listed below.

A. Rule 64.604(b)(6) - This rule requires that a hot key on the CA's terminal be used to alert a TTY caller of the presence of a recorded message. The rule should be clarified or changed to indicate that other technology could be used, other than a hot key, to make the caller aware of the existence of a recording. The rule should not be so limiting of possible technology alternatives.

B. Rule 64.604(b)(2) and (4) - Both of these subsections contain language on blockage; the FPSC recommends that for rule clarity, all language concerning blockage be contained in the same part of the rule.

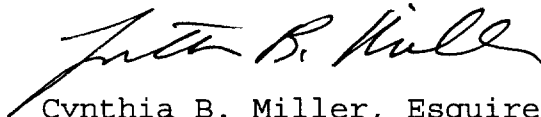
C. Rule 64.604(c)(1) - Paragraph 121 of the Order calls for TRS providers to maintain a log of consumer complaints. However, the

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rule itself does not contain this requirement of the TRS providers and it should be contained in the rule itself.

Also, paragraph 121 states that the TRS provider's complaint log must be retained until the next application for certification is granted. In order to avoid interpretation issues later on, this requirement should be specifically stated in the rule if it is to be required.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Cynthia B. Miller".

Cynthia B. Miller, Esquire  
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FLORIDA PUBLIC SERVICE COMMISSION  
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DATED April 12, 2000.

## FCC Order No. 00-56 in Docket No. 98-67 - Telecommunications Relay Services

# means FCC Order paragraph number

64.xxx means FCC Rule number

A.x, B.x, or C.x means Florida RFP number.

Relay Feature	New Federal Requirement	Current Florida Contract w/Sprint	Other
Answer Time Speed	Measured on a <u>daily</u> basis-- <u>85%</u> in 10 seconds. #60-64; 168-169; 64.604(b) (2)	Measured on a <u>monthly</u> basis - <u>90%</u> in 10 seconds. B.22	FL will not be in compliance.
Blockage	<u>1%</u> during the <u>busy hour</u> each <u>day</u> . #65; 64.604(b) (2), (4)	<u>1%</u> per <u>day</u> . B.21	FL will not be in compliance.
CA typing speed	<u>60</u> wpm w/oral typing test. #74; 64.604(a) (1)	<u>55</u> wpm B.8	FL will not be in compliance.
STS - (Speech To Speech Service)	<u>Required 3/01/01</u> . #17; 64.603	Sprint filed as an <u>optional service</u> at a rate of \$3.13 per session minute. Not currently in contract. B.42e	FL will not be in compliance.
STS - retention of customer info. on a per call basis	<u>Required</u> #50; 64.604(a) (2)	" "	FL will not be in compliance.
STS - CA may facilitate a call by not relaying verbatim	<u>Required</u> #57; 64.604(a) (2) ii	" "	FL will not be in compliance.
STS - customer profile	Required for frequently called parties and phone numbers (STS users only); must be transferred to a new provider. #52, 64.604(a) (7), 64.604(c) (7)	" "	FL will not be in compliance.



## Attachment A - continued

Relay Feature	New Federal Requirement	Current Florida Contract w/Sprint	Other
Customer Profile - non-STS users	Not required but, if offered, next contract must require that the profile be transferred to new provider in usable form at least 60 days prior to the end of service. #82; 64.604(c)(7)	Contract states that Sprint shall not be required to submit customer database info. to the State or any other designee with the exception of the Relay service provider succeeding this contract.	No conflict in current contract. Will need to modify in a future RFP.
Pay per call/900	Required. #98; 64.604(b)(6)	Sprint filed as an <u>optional service</u> at a rate of \$.99 per session minute. Not currently in contract. B.42f	FL will not be in compliance.
CA breaks	CAs must stay with a call for 10 minutes (except 15 minutes for STS calls). #68, #70; 64.604(a)(5)	If a FRS user requests the same CA be used to process the entire conversation, will, whenever possible, comply. B.12o	Appears to be minor change for FL to comply.
CA Gender	Must make best efforts to accommodate a TRS user's requested CA gender. #71; 64.604(a)(6)	If a request is made for another gender CA, every attempt is made to honor the request. B.12n	FL complies.
CA - ASL Transliteration	CA must relay verbatim unless user requests interpretation of an ASL call. #44, #46; 64.604(a)(2)ii	CA types to the TTY user or verbalizes to the non-TTY user exactly what is said, unless the caller requests otherwise. B.12d	FL complies.

## Attachment A - continued

Relay Feature	New Federal Requirement	Current Florida Contract w/Sprint	Other
911	Must transfer caller's telephone number to PSAP automatically and immediately and, if caller hangs up before being connected to PSAP, must relay caller's number orally. #100-101, 64.604(a)(4)	CA will dial the directory assistance operator to obtain the appropriate number to dial and will complete a relay call to that agency. CA will stay on line until emergency services dispatcher indicates the CA's services are no longer needed, even if caller disconnects. B.20	FL will not be in compliance.
Menus/recorded messages	Hot key required to make caller aware that there is a recorded message at the number dialed; recorded messages can be recorded by CA to guarantee complete relay. #94-95; 64.604(b)(6)	Recording technology allows the CA to record the message and plays back the message to the CA at a pace that makes it possible to obtain the entire message. B.13a	Appears to be minor change for FPSC to comply.
State mandates - substantive changes to State relay program	States must notify FCC within 60 days if there is a substantive change to the relay program. #107, 64.605(f)	Not a contract matter.	FPSC can comply.
State mandates - State contact person	States must provide by 6/30/00 the name of person or office in each state to be posted to FCC website to receive complaints. #112; 64.604(c)(2)	Not a contract matter.	FPSC needs to decide who to list.

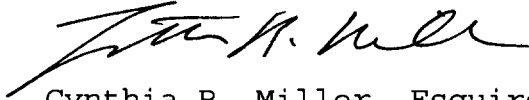
## Attachment A - continued

Relay Feature	New Federal Requirement	Current Florida Contract w/Sprint	Other
State mandates - State log of consumer complaints and annual report	Log of complaints filed with state and provider required to be maintained by state plus reported to FCC by state on an annual basis beginning 5/01/01. #121, #163; 64.604(c)(1)	All complaints received by the relay provider are documented, including their resolution. They are kept on file for the life of the contract and for an additional 12 months. B.31	Will require that FPSC develop a system for receiving Sprint's complaints and then filing them with FCC in combination with complaints filed directly with FPSC.
Spanish language relay	<u>Required 3/01/01 for interstate only</u> , intrastate not required #29; 64.603	<u>Required</u> in current contract for <u>both intrastate and interstate</u> service (along with French/Creole w/ one CA on duty; also, Spanish and French/Creole translation service) B.14 & B.15	FL complies.
Video Relay Interpreting (VRI)	Encouraged; FCC encourages by agreeing to temporarily pay for both interstate and intrastate minutes with interstate funds. #22, #27	Not currently in contract. Sprint is in the process of determining the viability of VRI. B.42d	No conflict in current contract.
Effective Date	Unless otherwise specifically stated, effective date of rules is 30 days from publication in the Federal Register. #154		FCC has verbally indicated that it will need to look at modifying the effective date.

### Certificate of Service

I hereby certify that copies of this FPSC Petition for Reconsideration are being mailed to the attached service list for the above docket.

Respectfully submitted,



Cynthia B. Miller, Esquire  
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DATED April 12, 2000.

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